

# WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: **AIRPORT**

DATE: March 30, 2007

**Committee Members Present:**

Supervisors Tessier  
Stec  
O'Connor  
Haskell  
Mason  
Girard  
Sokol

**Others Present:**

Marshall Stevens, Airport Manager  
Hal Payne, Commissioner of Administrative &  
Fiscal Services  
Paul Dusek, County Attorney  
Joan Sady, Clerk of the Board  
Nicholas Caimano, Budget Officer  
Supervisor Geraghty  
Supervisor F. Thomas  
Supervisor VanNess  
Richard Schermerhorn, Town of Queensbury  
Dave Kenny, Town of Queensbury  
Debra L. Schreiber, Legislative Office Specialist

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Mr. Tessier called the meeting to order at 11:02 a.m.

Motion was made by Mr. Stec, seconded by Mr. Mason, and carried unanimously to approve the minutes of the February 27, 2007 Committee meeting, subject to correction by the Clerk.

Privilege of the floor was extended to Marshall Stevens, Airport Manager, who distributed copies of his Agenda to the committee members, and a copy of same is on file with the minutes.

Commencing with the first item on the Agenda, Mr. Stevens reminded the Committee the Sheriff's Office had received a grant relative to security cameras at the Airport. Due to administrative changes on the State level, he said, he had been informed that all grants were currently being reviewed. Mr. Stevens asked to have this particular item tabled to enable him to obtain additional quotes from vendors.

With respect to the Runway 1 Safety Area Project, Item 2, Mr. Stevens apprised a verbal agreement had been reached with the Industrial Development Agency (IDA) wherein they were to make payment in lieu of mitigation for wetlands; however, he stated, a few issues needed to be resolved which were as follows:

- ▶ The contractor that was awarded the bid had indicated a desire to withdraw and would be submitting his request in writing;
- ▶ They were still awaiting receipt of the permit from the Corps of Engineers;
- ▶ They requested assistance from the FAA (Federal Aviation Administration) in obtaining this permit;
- ▶ Assemblywoman Sayward apprised the concerns of the union relative to the contractor not being awarded the project.

In discussions with the County Attorney, Mr. Stevens said the contractor had the option to either honor or withdraw the bid, which could potentially mean putting forth additional RFP's (request for proposals). However, he related there was a difference of \$100,000 between the two low bidders and, therefore, the County would not be best served by switching to the second low bidder.

Mr. Stevens requested an increase in the Runway 1 Safety Area Capital Project (H253.9550 280) to cover the cost of the additional design services, in the amount of \$3,702. In addition, he requested amending the contract with C&S Engineers, for a total amount not to exceed \$5,230, to incorporate additional required bidding services. He noted the FAA would fund 95%; the State would fund their 2 ½% and the increase to the County would be \$93.

Motion was made by Mr. Mason, seconded by Mr. Girard and carried unanimously approving the

requests as outlined above. The request to increase the Capital Project for the Runway 1 Safety Area was referred to the Finance Committee. The request to amend the contract with C&S Engineers was authorized for the April 20, 2007 Board Meeting. Copies of the resolution request forms are on file with the minutes.

Referring to pages 8 through 11 of the Agenda, Mr. Stevens stated the IDA had requested an agreement relative to the wetlands; however, he said, they were awaiting receipt of the permit that would specify the terms and conditions to be contained in the contract. At a recent IDA meeting, Mr. Tessier said Bruce Ferguson requested written documentation, not a contract, acknowledging County interest in the property. Paul Dusek, County Attorney, commented he was unaware of any potential buyers for the property and he thought it would be in the best interest of all parties to wait until they knew the terms prior to purchasing the property. He said they could forward a letter of intent on behalf of the County to Mr. Ferguson but it would not accomplish much. Mr. Tessier emphasized that Mr. Ferguson wanted an acknowledgment that the County would purchase the land for \$35,000 per acre. Mr. Girard queried whether the County could authorize the purchase of the property but not execute the documents until such time as they were ready. Mr. Tessier said it was his recollection the Committee authorized the purchase in a prior Committee meeting; however, they did not move the resolution forward. Mr. Dusek noted that the resolution would include the normal contingencies contained in a land contract such as title review, et cetera.

Motion was made by Mr. Girard, seconded by Mr. Haskell and carried unanimously approving the purchase of property in the amount of \$35,000 per acre, as well as obtaining all permits; and the necessary resolution was authorized for the April 20, 2007 Board Meeting. A copy of the resolution request form is on file with the minutes.

At the last Committee meeting, Mr. Stevens said upon the advice of the County Attorney, additional insurance would be required in order for the American Yankee Association to host their conference. In addition, he said, the County Attorney informed him the County was prohibited from soliciting funds; however, they could accept offers. Mr. Stevens said he contacted the Queensbury Hotel asking whether their previous informal offer was open for discussion and their response was "if the County could not find the funds from any other source, then they would pay the premium for the additional coverage." Mr. Dusek stated it appeared quite clear to him that the manager of the Queensbury Hotel felt forced into paying the premium; and, therefore, he said, he would recommend the County locate a different source of funding for the additional insurance coverage related to this event.

Mr. Girard queried whether this matter qualified for Occupancy Tax funding and Mr. Tessier responded all Occupancy Tax funds had been distributed and were only available for advertising. While Mr. Girard acknowledged that he was not familiar with all the requirements for Occupancy Tax funding, he stated it was his opinion this fund was overused for things unrelated to advertising.

Mr. Stevens apprised that Resolution 160 of 2007 authorized the purchase of this insurance premium but did not specify a source of funding. Mr. Tessier suggested the funds be taken from the Airport Budget.

Motion was made by Mr. Haskell, seconded by Mr. O'Connor authorizing the transfer of funds within the Airport budget, in the amount of \$1,580, the cost associated with the additional insurance premium.

Mr. Stevens indicated the American Yankee Association (AYA) requested the following proposed changes to their contract:

- ▶ paragraph 3, the Association would provide their own insurance and name the County as an additional insured;
- ▶ paragraph 5, the Association requested additional space between the ramp and runway to accommodate 120 aircraft;

- paragraphs 5 (d) and 8, the Association would pay the cost associated with refuse removal to be performed by the County;
- paragraph 7, the Association did not want to assume responsibility for guest or public damage beyond their control.

Mr. Stevens added the cost to the County for trash removal was not significant. Mr. Tessier recommended meeting with AYA representatives at least one month prior to the event, which was scheduled for June 25-28, 2007. Mr. Stevens said that meeting had been arranged with the AYA, FAA and the FBO (fixed base operator) for May 5, 2007, with a potential rain date of May 6, 2007, since most of them would be flying in.

Motion was made by Mr. Haskell and seconded by Mr. Mason approving the requested changes to the contract with the American Yankee Association.

Mr. Dusek asked whether it was the desire of the Committee to delete the requirement that AYA pay for trash removal and the County would assume this cost. According to Mr. Stevens, Mr. Haskell commented, it was not a significant cost to the County.

After discussion, Mr. Tessier called the question and the motion was carried unanimously approving the contract and requested changes with American Yankee Association as outlined above. The necessary resolution was authorized for the April 20, 2007 Board Meeting, and a copy of the resolution request form is on file with the minutes.

Continuing on with Item 4 of the Agenda, at the last Committee meeting there were discussions about some significant changes to the Minimum Standards and Mr. Stevens asked the Committee to consider a resolution requesting these amendments be made.

Motion was made by Mr. O'Connor, seconded by Mr. Stec and carried unanimously approving the request as outlined above; and the necessary resolution was authorized for the April 20, 2007 Board Meeting. A copy of the resolution request form is attached.

Relative to Item 5, Mr. Stevens said there had been prior discussions revising the lease with Mr. Schermerhorn as it related to private maintenance inside hangars by aircraft owners versus services performed by the FBO (fixed base operator). He said Mr. Schermerhorn proposed some changes to his lease, as reflected on pages 22 - 25, which were approved by the attorney for the FBO, as well as the County Attorney.

Motion was made by Mr. Mason and seconded by Mr. Girard approving the request as outlined above.

Mr. Stevens stated "commercial activity" was defined in the Minimum Standards as someone who received compensation for performing a service. While the contractor that serviced an aircraft in the hangar was prohibited from holding themselves out as a maintenance provider at the Airport, he said they still met the criterion of "commercial activity." Therefore, he suggested the contractors provide the County with an insurance certificate and be assessed a nominal fee. He reminded the Committee about the flight instructor from Argyle who provided flight services at the Airport and charged \$40 per month; however, in their lease with the FBO, it specifically stated the County would not allow competing services.

Mr. Schermerhorn commented he did not believe the insurance certificate nor the nominal fee would be an issue but asked what that fee would be. Mr. Stevens responded the County did not have a fee structure. Mr. Dusek explained there was a difference between someone providing a service to the general public versus an individual that had been hired by an aircraft owner to service their plane. He said he was unsure whether that constituted "commercial activity" and what would be accomplished.

Mr. Schermerhorn related he had a tenant that had a specific company service his aircraft; however, he said, that company did not solicit services to other individuals at the Airport. Furthermore, he stated the FBO was not qualified nor did they have the necessary equipment to perform the maintenance services on the private jets. Mr. Dusek added he was in receipt of a letter from the attorney for the FBO consenting to the repair services being performed in the hangars.

For liability reasons, David Kenny, Town of Queensbury, suggested any individual who performed maintenance services at the Airport be required to provide their license, insurance certificate and be assessed a fee. Mr. Dusek replied if the County required proof of insurance naming the County as an additional insured, that would be sufficient.

After a general discussion that ensued, Mr. Dusek explained the contract with Mr. Schermerhorn would be limited to aircraft maintenance specifically inside the hangar. He said he concurred with Mr. Kenny that the County should require insurance certificates from the mechanics.

After discussion, Mr. Tessier called the question and the motion was carried unanimously amending the lease with Mr. Schermerhorn as outlined above. The necessary resolution was authorized for the April 20, 2007 Board Meeting, and a copy of the resolution request form is on file with the minutes.

Mr. Stevens stated the executive session to discuss the potential land purchase was postponed at the prior Committee meeting. He noted this particular matter was crucial to the long term plans at the Airport but did not affect any short term plans. Due to the current time constraints, Mr. Tessier recommended discussing it at the next meeting.

There being no further business to come before the committee, on motion by Mr. Mason and seconded by Mr. Girard, Mr. Tessier adjourned the meeting at 11:44 a.m.

Respectfully submitted,

Debra L. Schreiber  
Legislative Office Specialist